

Annette W. Jarvis, Utah Bar No. 1649  
 Steven C. Strong, Utah Bar No. 6340  
 RAY QUINNEY & NEBEKER P.C.  
 36 South State Street, Suite 1400  
 P.O. Box 45385  
 Salt Lake City, Utah 84145-0385  
 Telephone: (801) 532-1500  
 Facsimile: (801) 532-7543  
 Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

and

Lenard E. Schwartzer  
 Nevada Bar No. 0399  
 Jeanette E. McPherson  
 Nevada Bar No. 5423  
 Schwartzer & McPherson Law Firm  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Telephone: (702) 228-7590  
 Facsimile: (702) 892-0122  
 E-Mail: [bkfilings@s-mlaw.com](mailto:bkfilings@s-mlaw.com)

Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT  
 DISTRICT OF NEVADA**

In re:  
 USA COMMERCIAL MORTGAGE COMPANY,  
 Debtor.

Case No. BK-S-06-10725 LBR  
 Case No. BK-S-06-10726 LBR  
 Case No. BK-S-06-10727 LBR  
 Case No. BK-S-06-10728 LBR  
 Case No. BK-S-06-10729 LBR

In re:  
 USA CAPITAL REALTY ADVISORS, LLC,  
 Debtor.

Chapter 11

In re:  
 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 LLC,  
 Debtor.

Jointly Administered Under  
 Case No. BK-S-06-10725 LBR

In re:  
 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 Debtor.

**NOTICE OF ENTRY OF AMENDED  
 STIPULATION AND ORDER REGARDING  
 EXTENSION OF TIME TO ASSUME OR  
 REJECT LEASE WITH PECOS  
 PROFESSIONAL PARK LIMITED  
 PARTNERSHIP [AFFECTS USA  
 COMMERCIAL MORTGAGE COMPANY]**

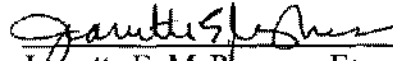
In re:  
 USA SECURITIES, LLC,  
 Debtor.

Date: N/A  
 Time: N/A

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC

1 **NOTICE IS HEREBY GIVEN** that an Amended Stipulation And Order Regarding  
2 Extension Of Time To Assume Or Reject Lease With Pecos Professional Park Limited Partnership  
3 [Affects USA Commercial Mortgage Company] was entered on November 09, 2006, a copy of  
4 which is attached hereto.

5  
6 DATED: November 20, 2006

7 

8 Jeanette E. McPherson, Esq.  
9 Schwartzer & McPherson Law Firm  
10 2850 South Jones Boulevard, Suite 1  
11 Las Vegas, NV 89146  
12 Attorneys for Debtors and Debtors-in-Possession

SCHWARTZER & MCPHERSON LAW FIRM

2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7590 · Fax: (702) 892-0122



Entered on Docket  
November 09, 2006

Hon. Linda B. Riegler  
United States Bankruptcy Judge

Annette W. Jarvis, Utah Bar No. 1649  
RAY QUINNEY & NEBEKER P.C.  
36 South State Street, Suite 1400  
P.O. Box 45385  
Salt Lake City, Utah 84145-0385  
Telephone: (801) 532-1500  
Facsimile: (801) 532-7543  
Email: [ajarvis@rqn.com](mailto:ajarvis@rqn.com)

and

Lenard E. Schwartz  
Nevada Bar No. 0399  
Jeanette E. McPherson  
Nevada Bar No. 5423  
Schwartz & McPherson Law Firm  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Telephone: (702) 228-7590  
Facsimile: (702) 892-0122  
E-Mail: [bkfilings@s-miaw.com](mailto:bkfilings@s-miaw.com)  
Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
Debtor.

Case No. BK-S-06-10725 LBR  
Case No. BK-S-06-10726 LBR  
Case No. BK-S-06-10727 LBR  
Case No. BK-S-06-10728 LBR  
Case No. BK-S-06-10729 LBR

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
Debtor.

Chapter 11

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
Debtor.

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

In re:  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
Debtor.

In re:  
USA SECURITIES, LLC,  
Debtor.

**AMENDED STIPULATION AND ORDER  
REGARDING EXTENSION OF TIME TO  
ASSUME OR REJECT LEASE WITH  
PECOS PROFESSIONAL PARK LIMITED  
PARTNERSHIP [AFFECTS USA  
COMMERCIAL MORTGAGE COMPANY]**

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Securities, LLC  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC

Date: N/A  
Time: N/A

SCHWARTZER & MCPHERSON LAW FIRM  
2850 South Jones Boulevard, Suite 1  
Las Vegas, Nevada 89146-5308  
Tel: (702) 228-7590 • Fax: (702) 892-0122

1 USA Commercial Mortgage Company, Debtor and Debtor-in-Possession ("Debtor"), by  
2 and through its counsel, Jeanette E. McPherson, Esq. of Schwartzer & McPherson Law Firm, and  
3 Pecos Professional Park Limited Partnership, by and through its counsel, Jeffrey R. Sylvester,  
4 Esq., hereby stipulate and agree as follows:

5 **WHEREAS** the Debtor filed its voluntary petition for relief under Chapter 11 of Title 11  
6 of the United States Bankruptcy Code on April 13, 2006 (the "Petition Date"), and the Debtor  
7 continues to operate its business and possess its property as a debtor-in-possession pursuant to  
8 Bankruptcy Code §§ 1107 and 1108.

9 **WHEREAS** the Debtor is a lessee under an "Office Lease" with Pecos Professional Park  
10 Limited Partnership ("Pecos") as the landlord (the "Lease").

11 **WHEREAS** under the Lease, the Debtor leases real property located at 4484 South Pecos  
12 Road, Las Vegas, Nevada 89121 (the "Premises").

13 **WHEREAS** pursuant to an "Amendment To Office Lease," the parties agreed to extend  
14 the term of the Lease to October 31, 2010.

15 **WHEREAS** due to the status of this bankruptcy case, the Debtor has not made a decision  
16 whether to assume or reject the Lease.

17 **WHEREAS** the original time to assume or reject the Lease under 11 U.S.C. § 365(d)(4)  
18 expired on August 11, 2006.

19 **WHEREAS** because the Debtor had not made a decision whether to assume or reject the  
20 Lease due to the status of this bankruptcy case, "cause" under § 365(d)(4) existed to extend the  
21 time for the Debtor to assume or reject the Lease. As a result, the Debtor and Pecos stipulated and  
22 agreed that the Debtor has until November 11, 2006 to assume or reject the Lease.

23 **WHEREAS** "cause" under § 365(d)(4) exists to extend the time further for the Debtor to  
24 assume or reject the Lease due to the status of this bankruptcy case, and Pecos has agreed to  
25 extend the time to assume or reject the Lease until the later of either 60 days after entry of an order  
26 confirming the Debtor's plan of reorganization or March 30, 2007.

27 **NOW, THEREFORE**, in consideration of the foregoing, the Debtor and Pecos agree as  
28 follows:

03/2006 13:29 9525218

SYLVESTER POLEDNAK

PAGE 84

Nov. 3. 2006 11:33AM SCHWARTZER &amp; MCPHERSON


No. 5397 P. 4/7

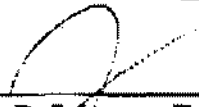
1. The foregoing recitals are true and incorporated herein in full.

2. The time for the Debtor to assume or reject the Lease under 11 U.S.C. § 365(d)(4) is hereby extended to the later of either 60 days after entry of an order confirming the Debtor's plan of reorganization or March 30, 2007.

DATED: November 3, 2006

DATED: November 2, 2006.

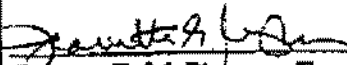
  
 Jeanette E. McPherson, Esq.  
 Schwartz & McPherson Law Firm  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, NV 89146  
 Attorneys for Debtors and Debtors-in-Possession

  
 Jeffrey R. Sylvester, Esq.  
 Sylvester & Polednak  
 7371 Prairie Falcon, #120  
 Las Vegas, NV 89128  
 Attorneys for Pecos Professional Park Limited Partnership

**ORDER**

**IT IS SO ORDERED.**

Submitted By:

  
 Jeanette E. McPherson, Esq.  
 Schwartz & McPherson Law Firm  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, NV 89146  
 Attorneys for Debtors and  
 Debtors-in-Possession

###

SCHWARTZER & MCPHERSON LAW FIRM  
 2850 South Jones Boulevard, Suite 1  
 Las Vegas, Nevada 89146-5308  
 Tel: (702) 228-7590 • Fax: (702) 892-6112